

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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	:	
UNITED STATES OF AMERICA	:	
	:	
-against-	:	22-CR-540 (VEC)
	:	
	:	<u>ORDER</u>
JAMES GARLICK,	:	
	:	
Defendant.	:	
	:	
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VALERIE CAPRONI, United States District Judge:

WHEREAS on May 23, 2023, Mr. Garlick requested a bond hearing, *see* Letter, Dkt. 74;

WHEREAS the Court scheduled a bond hearing for May 26, 2023 at 10:45 A.M., *see* Order, Dkt. 75;

WHEREAS in the early morning of May 26, 2023, the Court was notified that Mr. Garlick refused to come to Court because of a “religious holiday” and because of a heart condition; and

WHEREAS Mr. Garlick was medically evaluated and deemed fit for Court;

IT IS HEREBY ORDERED that the bail hearing scheduled for May 26, 2023 at 10:45 A.M. is hereby CANCELLED.

IT IS FURTHER ORDERED that Mr. Garlick must be prepared at the Final Pre-Trial Conference, scheduled for **Wednesday, May 31, 2023 at 10:30 A.M.**, (a) to state whether he is withdrawing his bail motion, and (b) to provide the Court with a list of the names and dates of **all** religious holidays he wishes to celebrate between May 31, 2023, and December 31, 2023.

IT IS FURTHER ORDERED that the Final Pre-Trial Conference will take place as scheduled on **Wednesday, May 31, 2023 at 10:30 A.M.** in Courtroom **318** of the Courthouse at

40 Foley Square, New York, NY 10007. Please note that the conference will therefore not take place in the Undersigned's regular courtroom.

IT IS FURTHER ORDERED that Mr. Garlick is hereby notified that if he refuses to attend the proceeding on Wednesday, May 31, 2023, or any future proceeding without a valid medical excuse, the Court will find that he has withdrawn his request to represent himself, will direct the Federal Defenders of New York, Inc. immediately to resume representation of him, and will consider whether his refusal to come to Court constitutes a waiver of his right to be present at his trial or whether he should be forced to come to Court.

IT IS FURTHER ORDERED that attached to this Order are draft voir dire questions for the parties to review ahead of the Final Pre-Trial Conference.

IT IS FURTHER ORDERED that standby counsel for Mr. Garlick will be provided a copy of this Order and the Court's draft voir dire questions in Word format that they must cut and paste into an email to be sent to Mr. Garlick via Corrlinks not later than **5:00 P.M. on May 26, 2023**.

**SO ORDERED.**

**Date: May 26, 2023**  
**New York, NY**



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**VALERIE CAPRONI**  
**United States District Judge**

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**PLEASE DO NOT READ FURTHER OR WRITE ANYTHING ON**  
**THIS QUESTIONNAIRE UNTIL THE JUDGE TELLS YOU TO DO SO**

**General Questions**

1. Do you have any ideas, prejudices or beliefs that might prevent or hinder you from following the instructions that I give as to the law?
2. Do you have any doubt that you will be able to apply the law as I explain it, even if you disagree with the law?
3. Do you have any religious or ethical beliefs that would prevent you from passing judgment on another person?
4. Do you have any personal knowledge of the charges in the indictment as I have described them?
5. Have you, or has any member of your family or a close friend, ever worked in law enforcement — for example, as a police officer or a federal agent; as a correctional officer in a jail or prison; in a local, state, or federal prosecutor's office, or in some other law enforcement capacity?
6. Have you, or has any member of your family or a close friend, ever studied or practiced law or worked in any capacity for a law office, public defender's office, or a private investigation firm?
7. Have you, or has any member of your family or a close friend, had any experience with a criminal defense attorney or a criminal prosecutor that you think might make it difficult for you to be a fair and impartial juror in this case?
8. Have you, or has any member of your family or a close friend, ever worked for the United States Attorney's Office for the Southern District of New York, the New York City Police Department, the Bureau of Alcohol, Tobacco, and Firearms, or the Federal Bureau of Investigation?

**Case-Specific Questions**

9. Have you, or has any member of your family or a close friend, ever been involved — as a defendant, victim, witness, or in any other way — in a crime or incident involving a firearm?

10. You will hear evidence that, prior to this case, the Defendant was convicted of a crime for which he faced a term of imprisonment of more than one year. Is there anything about the fact that the Defendant has previously been convicted of a crime that might affect your ability to be a fair and impartial juror in this case?

11. Mr. Garlick has chosen to represent himself in this case. He has a constitutional right to do that. Is there anything about the fact that he will be representing himself that might make it difficult for you to be a fair and impartial juror in this case?

**Knowledge of Parties, Lawyers and Witnesses**

12. The Defendant in this case is James Garlick. Do you, or does any member of your family or a close friend, know Mr. Garlick, or know anything about Mr. Garlick beyond what I have told you today?

13. Mr. Garlick was previously represented by Marne Lenox and Michael Arthus from the Federal Defenders of New York. Do you know or have you ever had any dealings with Ms. Lenox or Mr. Arthus?

14. The Government is represented by Adam Sowlati, Jacqueline Kelly, and Jerry Fang from the Office of the United States Attorney. They are being assisted by a paralegal, Julia Gutierrez. Do you know, or have you ever had any dealings with Mr. Sowlati, Ms. Kelly, Mr. Fang, or Ms. Gutierrez?

15. Do you know or have you heard of any of the following people who might be mentioned or testify during the course of the trial:

- Manuel Alonzo
- Nadja Brightman
- Richard Castellano
- Lairy Cosma
- Vincent Dempsey
- Matthew Fleming
- Micah Friedman
- Kyli Garrett
- Alvin Joseph
- Russell Marquis
- Michael Moreno
- Noel Perez
- Frank Piazza
- Edgar Pino
- An individual known as “Reo DA Don”
- Robert Riley
- Jamie Roscino
- Ali Shakoor
- Kylie Welsh

16. Are you familiar with the intersection of Jerome Avenue and East 162nd Street in the Bronx?

17. Before arriving for jury duty, did you know any of the other people who are potential jurors in this case?

18. Do you know me or any of my staff?

**Experience with, and Opinions of, Criminal Justice**

19. Have you, or has any member of your family or a close friend, ever appeared as a witness in a criminal case, either at a trial or in the grand jury?

20. Have you, or has any member of your family or a close friend, ever been the victim of a crime?

21. Have you, or has any member of your family or a close friend, ever been charged with a crime or been a defendant in a criminal case?

22. Have you, or has any member of your family or a close friend, had any experience with law enforcement, either positive or negative, that might make it difficult for you to be a fair and impartial juror in this case?

23. Do you have any strong feelings about law enforcement or the criminal justice system generally, either positive or negative, that might make it difficult for you to be a fair and impartial juror in this case?

24. Do you have any strong feelings about the laws governing the possession of firearms that might make it difficult for you to be a fair and impartial juror in this case?

**Difficulties in Understanding or Serving**

25. Do you have a problem with your hearing or vision that would prevent you from giving full attention to all of the evidence at this trial?

26. Do you have any difficulty understanding or reading English?

27. Do you have any medical problems, or are you taking any medications, that might interfere with your ability to serve as a juror in this case?

28. This trial is expected to last less than one week. Do you have any commitments this week or next week that would interfere with your ability to serve as a juror in this case?

29. Do you have any personal commitments that would make it difficult for you to be in court by 9:15 every morning of your jury service?

### QUESTIONS FOR INDIVIDUAL JURORS

1. Please state your name and county of residence. If you have lived there less than five years, where did you live before?
2. How old are you?
3. How far did you go in school?
4. Are you employed? If so, what do you do? If you are retired or currently unemployed, what did you do when you were working?
5. How long have you had your current job? If less than five years, what did you do previously?
6. Are there other people in your household? What do they do?
7. Do you have grown children? What do they do?
8. Have you ever served as a juror? If so, when did you serve? Was it a grand jury or a trial jury? If you served on a trial jury, was it a civil or criminal case? Do not tell us what the verdict was, but did you deliberate and reach a verdict?
9. Is there anything else that I have not specifically asked you that you think the parties and I should know because it may have some bearing on your ability to serve as a fair and impartial juror in this case?